



# House of Representatives

General Assembly

**File No. 55**

February Session, 2002

House Bill No. 5204

*House of Representatives, March 18, 2002*

The Committee on Energy and Technology reported through REP. GIANNAROS of the 21st Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING THE PRESENCE OF MEMBERS AT SITING COUNCIL HEARINGS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-50m of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) Upon the receipt of an application for a certificate complying  
4 with section 16-50l, the council shall promptly fix a commencement  
5 date and location for a public hearing thereon not less than thirty days  
6 nor more than one hundred fifty days after such receipt. At least one  
7 session of such hearing shall be held at a location selected by the  
8 council in the county in which the facility or any part thereof is to be  
9 located after six-thirty p.m. for the convenience of the general public.  
10 After holding at least one hearing session in the county in which the  
11 facility or any part thereof is to be located, the council may, in its  
12 discretion, hold additional hearing sessions at other locations. If the  
13 proposed facility is to be located in more than one county, the council

14 shall fix the location for at least one public hearing session in  
15 whichever county it determines is most appropriate, provided the  
16 council may hold hearing sessions in more than one county.

17 (b) (1) The council shall hold a hearing on an application for an  
18 amendment of a certificate not less than thirty days nor more than  
19 sixty days after receipt of the application in the same manner as a  
20 hearing is held on an application for a certificate if, in the opinion of  
21 the council, the change to be authorized in the facility would result in  
22 any material increase in any environmental impact of such facility or  
23 would result in a substantial change in the location of all or a portion  
24 of the facility, other than as provided in the alternatives set forth in the  
25 original application for the certificate, provided the council may, in its  
26 discretion, return without prejudice an application for an amendment  
27 of a certificate to the applicant with a statement of the reasons for such  
28 return. (2) The council may hold a hearing on a resolution for  
29 amendment of a certificate not less than thirty days nor more than  
30 sixty days after adoption of the resolution in the same manner as  
31 provided in subsection (a) of this section. The council shall hold a  
32 hearing if a request for a hearing is received from the certificate holder  
33 or from a person entitled to be a party to the proceedings within  
34 twenty days after publication of notice of the resolution. Such hearing  
35 shall be held not less than thirty days nor more than sixty days after  
36 the receipt of such request in the same manner as provided in  
37 subsection (a) of this section. (3) The county in which the facility is  
38 deemed to be located for purposes of a hearing under this subsection  
39 shall be the county in which the portion of the facility proposed for  
40 modification is located.

41 (c) The council shall cause notices of the date and location of each  
42 hearing to be mailed, within one week of the fixing of the date and  
43 location, to the applicant and each person entitled under section 16-501  
44 to receive a copy of the application or resolution. The general notice to  
45 the public shall be published in not less than ten point, boldface type.

46 (d) Hearings, including general hearings on issues which may be

47 common to more than one application, may be held before [a majority  
48 of the] not less than three members of the council. If the chairman of  
49 the council is not in attendance at a hearing, the chairman shall  
50 designate a council member as acting chairman for such hearing.

51 (e) During any hearing on an application or resolution held  
52 pursuant to this section, the council may take notice of any facts found  
53 at a general hearing.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>

**ET**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note****State Impact:**

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
CC&PUCF - Savings	Public Utility Control, Dept.	0	1,350	1,800

Note: CC&PUCF=Consumer Counsel and Public Utility Control Fund

**Municipal Impact:** None

**Explanation**

The bill results in a potential savings of up to \$1,800 per year for the Connecticut Siting Council by requiring only three members to be present at council hearings. Presently there are five members that are required to attend hearings. There are nine members on the council. Each member is paid \$150 for his or her attendance at each meeting. An average of six members usually attend hearings. With only three required there could be a savings of about \$1,800 annually. Most hearings (70%) are currently attended by more than five members.

**OLR Bill Analysis**

HB 5204

**AN ACT CONCERNING THE PRESENCE OF MEMBERS AT SITING COUNCIL HEARINGS****SUMMARY:**

This bill reduces the number of Connecticut Siting Council members who must be present at its hearings to three from five or seven, depending on the type of facility that is the subject of the hearing. It requires the council chairman to designate an acting chairman for hearings he does not attend.

Under current law, hearings must be held before a majority of the council's members. For most of the facilities it regulates, the council consists of nine members (two agency heads, one appointee each of the House speaker and Senate president pro tempore, and five public members). For proceedings involving hazardous waste and low-level radioactive waste (LLRW) facilities, the council also includes four ad hoc members, three from the municipality where the facility is proposed to be located and the other from a neighboring municipality. (South Carolina entered into an agreement with Connecticut and New Jersey to accept the LLRW waste produced in all three states, thereby obviating the need to site a LLRW facility in the other two states.)

EFFECTIVE DATE: October 1, 2002

**COMMITTEE ACTION**

Energy and Technology Committee

Joint Favorable Report

Yea 15      Nay 0